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In re Application of
HOUTHOFF et al
Application No.: 09/402,707
PCT No.: PCT/NL97/00559
Int. Filing Date: 8 October 1997
Priority Date: 8 October 1996
Attorney's Docket No.: 570-28
For: Methods for Labeling Nucleotides, Labeled
Nucleotides and Useful Intermediates

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: DECISION ON
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: PETITION UNDER
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: 37 CFR 1.137(b)
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This is in response to the "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR § 1.137(b)" filed on 08 October 1999.

BACKGROUND

On 8 October 1997, this international application was filed, claiming an earliest priority date of 8 October 1996.

On 23 February 1998, a Demand electing the United States was filed in this international application. Accordingly, the deadline for entering the national stage in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 08 April 1999. This international application became abandoned with respect to the United States at midnight on 08 April 1999 for failure to enter the national stage.

On 08 October 1999, applicant filed the instant petition, which was accompanied by, *inter alia*, the transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, the U.S. basic national fee, the petition fee under 37 CFR 1.17(m), the signed declaration, the specification, the statement claiming small entity status, the assignment of invention, the recordation sheet, and the copy of the international application.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph © of this section.

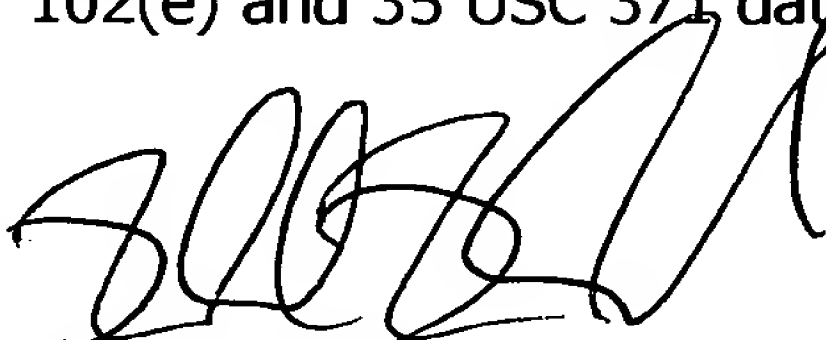
Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m), and (3) the statement required by 37 CFR 1.137(b)(3). In this application, no terminal disclaimer is required. Accordingly, the petition is deemed to satisfy requirements (1), (2), (3) and (4) under 37 CFR 1.137(b).

Further, a review of the application file reveals that, with the filings of the present papers, the application satisfied the requirements for entry into the national stage under 35 USC 371.

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 102(e) and 35 USC 371 date of this application is **08 October 1999**.



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